

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

UNITED STATES OF AMERICA,

v.

CR 418-147-14

EMMETT RAMSEY,

Defendant.

ORDER

Before the Court is Defendant Emmett Ramsey's motion for compassionate release and the Government's motion to dismiss same. Dkt. Nos. 575, 576. For the reasons below, the Court **DEFERS** ruling on Ramsey's motion and **DENIES** the Government's motion.

BACKGROUND

In June 2019, under a written plea agreement, Ramsey pleaded guilty to unlawful use of a communication facility, in violation of 21 U.S.C. §§ 843(b). Dkt. Nos. 435, 436. In October 2019, the Court sentenced Ramsey to forty-two months' imprisonment with the Bureau of Prisons ("BOP"). Dkt. No. 497. Ramsey did not directly appeal. Now before the Court is Ramsey's motion for compassionate release. Dkt. No. 575. According to the BOP website, Ramsey is currently incarcerated at FCI Edgefield located in Edgefield, South Carolina, with a projected release date of December 3, 2021.

DISCUSSION

Before a prisoner can file a motion under 18 U.S.C. § 3582(c), he must first have "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the [his] behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." Id. § 3582(c)(1)(A). Attached to Ramsey's motion is his reduction-in-sentence ("RIS") request to the Warden of his facility in which he requests compassionate release. The RIS request is dated August 18, 2020. Ramsey received a receipt response from the Warden the following day. Ramsey's motion to the Court is dated August 20, 2020 and was docketed on August 25, 2020.


Ramsey's filings show that his motion to the Court is premature in that he did not wait the requisite thirty days for the BOP to respond to his request before filing a motion with the Court. Such a premature motion does not meet the requirements of § 3582(c)(1)(A). Nevertheless, Ramsey avers in his reply that thirty days have now passed without a response from the Warden regarding his RIS request. As such, the Court is inclined to consider Ramsey's motion. Dkt. No. 581. However, the Government has not had an opportunity to respond to Ramsey's supplemental averments. As such, the Court **ORDERS** the Government to respond to Ramsey's latest filing within fourteen (14) days. The Government's

motion to dismiss, dkt. no. 576, is **DENIED** at this time. The Government will be allowed to reurge its motion in its response, should it choose to do so.

CONCLUSION

The Government's motion to dismiss, dkt. no. 576, is **DENIED** at this time. The Government is **ORDERED** to respond to Ramsey's latest filing within fourteen (14) days of the date of this Order.

SO ORDERED, this 9 day of October, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA